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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
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COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

IN THE MATTER OF:

DOCKET NO. S-20796A-11-0152

FRED OTTO BOHN and MARSHA BOHN,
Husband and Wife,

CAPITAL OIL & GAS, LIMITED (a.k.a.
"CAPITAL OIL & GAS, LTD, " f.k.a. OMNI
PETROLEUM LIMITED"), a dissolved United
Kingdom corporation , and a British Virgin
Islands company,

Respondents.

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On April 6, 2011, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against the following individuals and entities: Fred Bohn and Marsha Bohn, husband and wife; Capital Oil & Gas Limited (aka "Capital Oil & Gas Ltd" fka "Omni Petroleum Limited") ("COG") (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of investment contracts and notes. Respondent spouse, Marsha Bohn, was joined in the action pursuant to A.R.S. § 44-2031(C) for the purpose of determining the liability of the marital community.

The Respondents were duly served with a copy of the Notice.

On April 15, 2011, a request for hearing in this matter was filed on behalf of Respondents, Fred Bohn, Marsha Bohn and COG.

On April 19, 2011, by Procedural Order, a pre-hearing conference was scheduled on May 12, 2011.

On May 10, 2011, counsel for the Respondents filed a Motion to Continue Pre-hearing

1 Conference ("Motion") due to a scheduling conflict. The Motion stated that the Division did not
2 oppose the Respondents' Motion.

3 On May 12, 2011, by Procedural Order, Respondents' Motion was granted and the pre-
4 hearing conference continued to June 14, 2011.

5 On June 14, 2011, at the pre-hearing conference, the Division and Respondents appeared
6 through counsel. The Division's counsel requested that a hearing be scheduled while the parties
7 attempt to settle the matter. After a brief recess, the parties agreed that a hearing be scheduled to
8 commence on October 3, 2011, and with an exchange of documentation approximately one month
9 earlier.

10 Accordingly, a hearing should be scheduled.

11 IT IS THEREFORE ORDERED a **hearing** shall be held on **October 3, 2011, at 10:00 a.m.**,
12 at the Commission's offices, 1200 West Washington Street, **Room 100**, Phoenix, Arizona.

13 IT IS FURTHER ORDERED that that the parties shall also set aside **October 4, 5, 6 and 7,**
14 **2011, for additional days of hearing**, if necessary.

15 IT IS FURTHER ORDERED that that the **Division and Respondents shall exchange copies**
16 **of their Witness Lists and copies of the Exhibits by August 26, 2011, with courtesy copies**
17 **provided to the presiding Administrative Law Judge.**

18 IT IS FURTHER ORDERED that **if the case is resolved by proposed Consent Order prior**
19 **to the hearing, the Division shall file a Motion to Vacate the Proceeding.**

20 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
21 Communications) is in effect and shall remain in effect until the Commission's Decision in this
22 matter is final and non-appealable.

23 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
24 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
25 *pro hac vice*.

26 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
27 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
28 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances

1 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
2 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
3 Administrative Law Judge or the Commission.

4 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,
5 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
6 ruling at hearing.

7 DATED this 20th day of June, 2011.

8
9 
10 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

11
12 Copies of the foregoing mailed/delivered
this 20th day of June, 2011 to:

13 James O. Ehinger
14 JENNINGS, STROUSS & SALMON, P.L.C.
15 One East Washington Street, Suite 1900
16 Phoenix, AZ 85004-2554
Attorney for Respondents

17 Matt Neubert, Director
18 Securities Division
19 ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, AZ 85007

20 ARIZONA REPORTING SERVICE, INC.
21 2200 North Central Avenue, Suite 502
22 Phoenix, AZ 85004-1481

23 By: 
24 Debra Broyles
25 Secretary to Marc E. Stern
26
27
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